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PTO/SB/05 (11-00)

Approved for use through 10/31/2002 OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.	032580.0042.CIP
First Inventor	GUST H. BARDY
Title	MONOPHASIC WAVEFORM FOR ANTI-BRADYCARDIA PACING FOR A SUBCUTANEOUS IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Express Mail Label No. EL675946315US

jc997 U.S. PTO  
10/01/1860  
11/05/01**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification  
*(preferred arrangement set forth below)* [Total Pages **[62]**]
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets **[10]**]
5. Oath or Declaration [Total Pages **[ ]**]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Request and Certification under 35 U.S.C. 122, (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: **Application Cover Sheet**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No : 09/663,607; 09/663,606

Prior application information:

Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	23865 <i>(Insert Customer No. or Attach bar code label here)</i>		<input type="checkbox"/> or <input checked="" type="checkbox"/> Correspondence address below		
Name	Jonathan L. Pettit				
Address	Brobeck, Phleger & Harrison LLP				
	12390 El Camino Real				
City	San Diego	State	CA	Zip Code	92130-2081
Country	USA	Telephone	858/720-2500	Fax	858/720-2555

Name (Print/Type)	Jonathan L. Pettit	Registration No. (Attorney/Agent)	40,770
Signature	<i>Jonathan L. Pettit</i>		Date 11/05/01

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$853.00)

Complete if Known	
Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	Gust H. Bardy
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	032580.0042.CIP

## METHOD OF PAYMENT

- 1.
- 
- The Commissioner is hereby authorized to charge indicated

Deposit Account Number 50-1273

Deposit Account Name Brobeck, Phleger &amp; Harrison LLP

 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27

- 2.
- 
- Payment Enclosed:

 Check     Credit card     Money Order     Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge – late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,280	241	640	Petition to revive – unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)		(\$370.00)			

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
69	-20** = 49	X 9.00	= 441.00
Independent Claims 4	-3** = 1	X 42.00	= 42.00
Multiple Dependent		0	0

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$483.00)		

\*or number previously paid, if greater; For Reissues, see above

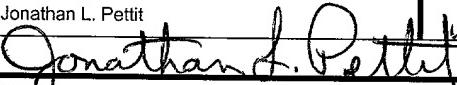
Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jonathan L. Pettit	Registration No. (Attorney/Agent)	40,770	Telephone	(858) 720-2500
Signature				Date	11/05/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CONTINUATION-IN-PART APPLICATION

UNDER 37 CFR § 1.53(b)

TITLE: MONOPHASIC WAVEFORM FOR ANTI-BRADYCARDIA PACING  
FOR A SUBCUTANEOUS IMPLANTABLE CARDIOVERTER-  
DEFIBRILLATOR

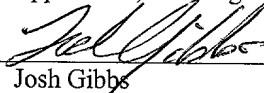
APPLICANT(S): BARDY, GUST H.; CAPPATO, RICARDO; RISSMAN, WILLIAM J.

Correspondence Enclosed:

Utility Application Transmittal Sheet and FY 2001 Fee Transmittal Sheet (2pgs); Description (45 pgs); Claims (16 pgs); Abstract (1pg); Drawings (10 sheets); Check in the amount of \$853.00; and Return Postcard.

PRIORITY DATA: Under 35 U.S.C. §120 this application claims the benefit of U.S. Patent Application Serial No. 09/663,607, filed September 18, 2000; and U.S. Patent Application Serial No. 09/663,606, filed September 18, 2000

"EXPRESS MAIL" Mailing Label Number EL675946315US Date of Deposit November 5, 2001 I hereby certify under 37 CFR §1.10 that this correspondence (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

  
\_\_\_\_\_  
Josh Gibbs